

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

FERNANDO AVALOS, ) CASE NO. C09-0614-MJP  
Petitioner, )  
v. ) ORDER OF DISMISSAL  
ICE FIELD OFFICE DIRECTOR, )  
Respondent. )

The Court, having reviewed petitioner's § 2241 petition, respondent's motion to dismiss, the Report and Recommendation of the Hon. Mary Alice Theiler, United States Magistrate Judge, any objections or responses to that, and the remaining record, finds and Orders as follows:

(1) The Court agrees with Magistrate Judge Theiler's analysis as it applied to the facts in the record at the time she drafted the Report and Recommendation. However, the Court also recognizes the operative facts have changed: on July 28, 2009, the Board of Immigration Appeals affirmed the Immigration Judge's order of removal. (Dkt. No. 17-2.)

(2) Because of the factual change, Plaintiff is now detained pursuant to INA

01 § 236(c), not INA § 236(a).

02 (3) In pertinent part, Petitioner's Petition for Writ of Habeas Corpus challenges his  
03 detention in the absence of a bond hearing. (Dkt. No. 2 at 2.) After the BIA affirmed the  
04 Immigration Judge's order of removal, Mr. Avalos received a bond hearing. (Dkt. No. 18-2.)  
05 At the hearing, the Immigration Judge ordered that Mr. Avalos could be released from custody  
06 under bond of \$20,000.00. Petitioner waived his appeal to the ruling. (Id.) Because the  
07 requested relief has been granted, the underlying petition is moot.

08 (4) Petitioner's Petition for Writ of Habeas Corpus (Dkt. 1), is DENIED AS  
09 MOOT, and this action is DISMISSED; and

10 (5) The Clerk is directed to send copies of this Order to the parties and to Judge  
11 Theiler.

12 DATED this 15th day of September, 2009.

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15 Marsha J. Pechman  
16 United States District Judge  
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